DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giles et al (U.S. Publication # 2001/0022578), hereinafter referenced as Giles, in view of Davis et al (U.S Publication # 2002/0135602), hereinafter referenced as Davis.

Regarding **claim 1**, Giles discloses:

(a) a computer mouse having: a position sensing mechanism [0019, figure 1];

a left mouse button, having a top, a front and a left side, that is actuated by a force applied to the top, the front or the left side of the button [paragraphs 0021, 0022, figures 1 and 2A];

and a right mouse button, having a top, a front and a right side, that is actuated by a force applied to the top, the front or the right side of the button [paragraph 0021, 0022, figures 1 and 2A];

and (b) a mouse driver that generates a left button user interface signal and transmits the signal to the computer application program when the right button is actuated, or when the left and right buttons are actuated simultaneously [paragraphs 0003, 0024, 0026, figure 1, however, Giles fails to explicitly disclose *"a mouse driver."*

In a similar field of endeavor, Davis discloses a mouse driver [paragraph 0018].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Giles by specifically providing *"a mouse driver"*, as taught by Davis, for the purpose of a means to define actions performed using the mouse so that the processor can interpret them appropriately.

Regarding **claim 2**, Giles and Davis disclose everything claimed as applied above (see claim 1), in addition, Davis discloses a computer readable disc which contains the computer code for the mouse driver [paragraph 0018]. Although Davis fails to disclose the memory is a disc, the examiner takes official notice that it is well known in the art to use a disc for storage and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the software on a disc.

Regarding **claim 3**, Giles and Davis disclose everything claimed as applied above (see claim 1), in addition, Giles discloses a left hinge that connects the left button to the mouse located proximate the top center of the mouse and a right hinge that connects the right button to the mouse located proximate the top center of the mouse [paragraph 0018, figure 1].

Regarding **claim 4**, Giles and Davis disclose everything claimed as applied above (see claim 1), in addition, Giles discloses wherein the left side of the left button is

vertically angled and a horizontal force applied to the left side of the left button actuates the left mouse button [paragraph 0021, figure 1].

Regarding **claim 5**, Giles and Davis disclose everything claimed as applied above (see claim 4), in addition, Giles discloses wherein the right side of the right button is vertically angled and a horizontal force applied to the right side of the right button actuates the right mouse button [paragraph 0021, figure 1 and 2].

Regarding **claim 6**, Giles and Davis disclose everything claimed as applied above (see claim 1), in addition, Giles discloses wherein the front surface of the left button is vertically angled and wherein a horizontal force applied to the front of the left button actuates the left mouse button [paragraphs 0021, 0029, figure 3].

Regarding **claim 7**, Giles and Davis disclose everything claimed as applied above (see claim 1), in addition, Giles discloses wherein the front surface of the right button is vertically angled and a horizontal force applied to the front of the right button actuates the right mouse button [paragraph 0021, 0029, figure 3].

Regarding **claim 8**, Giles and Davis disclose everything claimed as applied above (see claim 1), in addition, Giles discloses wherein a lower edge of the left mouse button forms a continuous arc and any horizontal force directed towards the mouse applied proximate the lower edge of the left mouse button actuates the left mouse button [abstract, figure 1].

Regarding **claim 9**, Giles and Davis disclose everything claimed as applied above (see claim 1), in addition, Giles discloses wherein a lower edge of the right mouse button forms a continuous arc and any horizontal force directed towards the mouse applied proximate the lower edge of the fight mouse button actuates the right mouse button [abstract, figure 1].

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giles and Davis in view of Rust (U.S Patent # 6,668,273), hereinafter referenced as Rust.

Regarding **claim 10**, Giles and Davis disclose everything claimed as applied above (see claim 1), however, Giles and Davis fail to disclose *"wherein when a first horizontal force is applied to the left side of the left mouse button and a second horizontal force is applied to the right side of the right mouse button simultaneously, both the left mouse button and the fight mouse button are actuated."*

In a similar field of endeavor, Rust discloses wherein when a first horizontal force is applied to the left side of the left mouse button and a second horizontal force is applied to the right side of the right mouse button simultaneously, both the left mouse button and the fight mouse button are actuated [pressing both the left and right buttons performs a specific function, column 9, lines 43-45].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Giles and Davis by specifically providing *"wherein when a first horizontal force is applied to the left side of the left mouse button*

and a second horizontal force is applied to the right side of the right mouse button simultaneously, both the left mouse button and the fight mouse button are actuated", as taught by Rust, for the purpose of providing additional functionality to a mouse without adding additional buttons.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giles and Davis in view of Muranami (U.S. Publication 2002/0097225), hereinafter referenced as Muranami.

Regarding **claim 11**, Giles and Davis disclose everything claimed as applied above (see claim 1), however, Giles and Davis fail to disclose *"a mode switching program on the computer that responds to a mode control signal by altering the operation of the mouse driver such that a right button user interface signal is generated and transmitted to the computer application program when the fight button is actuated."*

In a similar field of endeavor, Muranami discloses a mode switching program on the computer that responds to a mode control signal by altering the operation of the mouse driver such that a right button user interface signal is generated and transmitted to the computer application program when the fight button is actuated [mouse buttons are programmable, paragraphs 0007, 0022, figure 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Giles and Davis by specifically providing *"a mode switching program on the computer that responds to a mode control signal by*

altering the operation of the mouse driver such that a right button user interface signal is generated and transmitted to the computer application program when the fight button is actuated", as taught by Muranami, for the purpose of allowing for the mouse to be easily used by both right handed and left handed individuals.

Claims 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giles.

Regarding **claim 12**, Giles discloses:

a position sensing mechanism [paragraph 0029, figure 1];

a left mouse button, having a top, a front and a left side, and a left button switch [paragraph 0022, figure 1];

a right mouse button, having a top, a front and a fight side[paragraph 0022, figure 1], however, Giles first embodiment fails to explicitly disclose "*a right button switch that is shorted to the electrical output of the left button switch such that the computer mouse transmits a left button actuation signal to the computer when the right button switch is actuated*."

In an additional embodiment, Giles discloses that two mouse buttons are replaced with a single button [paragraph 0035, figure 6]. This is functionally equivalent to "a right button switch that is shorted to the electrical output of the left button switch such that the computer mouse transmits a left button actuation signal to the computer when the right button switch is actuated." The invention as described in the specification

does not identify any advantage of having two mouse buttons that perform a similar function instead of a single mouse button.

In addition, the Examiner maintains it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the mouse of Giles's first embodiment with two mouse buttons, but with both buttons performing the same function based on settings established in the computers software. This is also functionally equivalent to the claimed invention.

Either method of interpretation applies based on the current claims since both methods provide a functional equivalent to the current claims and the specification does not provide an advantage of using the claimed method instead of the other two methods described by the Examiner.

Regarding **claim 13**, Giles discloses everything claimed as applied above (see claim 12), in addition, Giles discloses a left hinge that connects the left button to the mouse located proximate the top center of the mouse and a right hinge that connects the right button to the mouse located proximate the top center of the mouse [paragraph 0018, figure 1].

Regarding **claim 14**, Giles discloses everything claimed as applied above (see claim 12), in addition, Giles discloses wherein the left side of the left button is vertically angled and a horizontal force applied to the left side of the left button actuates the left mouse button [paragraph 0021, figure 1].

Regarding **claim 15**, Giles discloses everything claimed as applied above (see claim 14), in addition, Giles discloses wherein the right side of the right button is vertically angled and a horizontal force applied to the right side of the right button actuates the right mouse button [paragraph 0021, figure 1 and 2].

Regarding **claim 16**, Giles discloses everything claimed as applied above (see claim 12), in addition, Giles discloses wherein the front surface of the left button is vertically angled and wherein a horizontal force applied to the front of the left button actuates the left mouse button [paragraphs 0021, 0029, figure 3].

Regarding **claim 17**, Giles discloses everything claimed as applied above (see claim 12), in addition, Giles discloses wherein the front surface of the right button is vertically angled and a horizontal force applied to the front of the right button actuates the right mouse button [paragraph 0021, 0029, figure 3].

Regarding **claim 18**, Giles discloses everything claimed as applied above (see claim 12), in addition, Giles discloses wherein a lower edge of the left mouse button forms a continuous arc and any horizontal force directed towards the mouse applied proximate the lower edge of the left mouse button actuates the left mouse button [abstract, figure 1].

Regarding **claim 19**, Giles and Davis disclose everything claimed as applied above (see claim 12), in addition, Giles discloses wherein a lower edge of the right

mouse button forms a continuous arc and any horizontal force directed towards the mouse applied proximate the lower edge of the fight mouse button actuates the right mouse button [abstract, figure 1].

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giles in view of Muranami.

Regarding **claim 20**, Giles and Davis disclose everything claimed as applied above (see claim 12), however, Giles and Davis fail to disclose *"a mode switching program on the computer that responds to a mode control signal by altering the operation of the mouse driver such that a right button user interface signal is generated and transmitted to the computer application program when the fight button is actuated."*

In a similar field of endeavor, Muranami discloses a mode switching program on the computer that responds to a mode control signal by altering the operation of the mouse driver such that a right button user interface signal is generated and transmitted to the computer application program when the fight button is actuated [mouse buttons are programmable, paragraphs 0007, 0022, figure 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Giles and Davis by specifically providing *"a mode switching program on the computer that responds to a mode control signal by altering the operation of the mouse driver such that a right button user interface signal is*

generated and transmitted to the computer application program when the fight button is actuated", as taught by Muranami, for the purpose of allowing for the mouse to be easily used by both right handed and left handed individuals.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFF PELLIGRINO whose telephone number is (571)270-3572. The examiner can normally be reached on Mon.- Fri. 7:30am-5:00pm ET (alt. Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeff Pelligrino
Examiner
Art Unit 2629

/Amr Awad/
Supervisory Patent Examiner, Art Unit 2629